## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA					
	Plaintiff,	) 8:06MJ103 )			
	vs.	) ) DETENTION ORDER			
DΑ	VID HERNANDEZ,	) )			
	Defendant.	) )			
A.	After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on August 21, 2006, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).				
В.	conditions will reasonably assure the X By clear and convincing evidence tha	because it finds: Ince that no condition or combination of appearance of the defendant as required. It no condition or combination of conditions			
C.	will reasonably assure the safety of any other person or the community.  C. Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:  X (1) Nature and circumstances of the offense charged:  X (a) The crime: possession of a firearm after having previously been convicted of a felony (Count I) in violation of 18 U.S.C. § 922(g) and the possession of a short-barreled shotgun (Count II) in violation of 26 U.S.C. 5861(d) both carrying a maximum sentence of ten years imprisonment.  (b) The offense is a crime of violence.  (c) The offense involves a narcotic drug.  (d) The offense involves a large amount of controlled substances, to wit:  (2) The weight of the evidence against the defendant is high.  X (3) The history and characteristics of the defendant including:  (a) General Factors:  The defendant appears to have a mental condition which may affect whether the defendant will appear.  The defendant has no family ties in the area.  X The defendant has no substantial financial resources.  The defendant has no a long time resident of the community.  The defendant does not have any significant community ties.  Past conduct of the defendant:  X The defendant has a history relating to drug abuse.  The defendant has a history relating to drug abuse.  The defendant has a significant prior criminal record.  X The defendant has a prior record of failure to appear at court proceedings.  (b) At the time of the current arrest, the defendant was on:				
	(b) At the time of the current <u>X</u> Probation - State  Parole				

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		Release pending trial, sentence, appeal or completion of sentence.
	(c) Other F	actors:
		The defendant is an illegal alien and is subject to deportation.
		The defendant is a legal alien and will be subject to deportation if convicted.
		The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
_X_ (4)	release are as has been non probation at the	and seriousness of the danger posed by the defendant's follows: The defendant has an extensive criminal history. He acompliant with prior conditions of probations and was on the time of the charged offenses. During the course of the defendant's residence, various controlled substances were

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel: and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 21, 2006. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge